

Order

Michigan Supreme Court
Lansing, Michigan

May 7, 2008

Clifford W. Taylor,
Chief Justice

134952

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 134952
COA: 279569
Bay CC: 06-010496-FH

PHILLIP EARL WHEELER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 27, 2007 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, J., would remand this case to the trial court for a decision on attorney fees that considers defendant's ability to pay now and in the future. See *People v Dunbar*, 264 Mich App 240 (2004), *lv den* 473 Mich 881 (2005).



d0430

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 7, 2008

Corbin R. Davis

Clerk